

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

REJI SAMUEL, et al.

v.

**SIGNAL INTERNATIONAL L.L.C.,
et al.**

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1:13-CV-323

ORDER DENYING EMERGENCY MOTION TO STAY (DOC. NO. 45)

Before the undersigned magistrate judge is an Emergency Motion to Stay (Doc. No. 45) filed by Defendants Signal International, LLC, Signal International, Inc., Signal International Texas, G.P., and Signal International Texas, L.P. (hereinafter collectively referred to as “Signal”). For the reasons stated below, the Emergency Motion to Stay is **DENIED**.

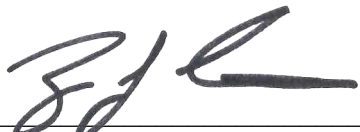
Signal asks for a stay pending the decision of the court concerning their request for a transfer to the Eastern District of Louisiana pursuant to the “first-to-file rule.” (See Doc. No. 12.) Signal states that the impetus for the present motion is the fact that the deadlines of the court’s “Order to Conduct a Rule 26(f) Conference” and the “burdens” of that Order would be avoided if this case were to be transferred to the Eastern District of Louisiana.

Unlike what Signal attempts to argue, the undersigned’s “Order to Conduct a Rule 26(f) Conference” is not burdensome. It is prescribed by the Federal Rules of Civil Procedure and, except for litigation involving a prisoner, entered in every case in this Division. Local Rule CV-26 provides that absent a court order to the contrary, a party is not excused from responding to discovery because there are pending motions to change venue. In any event, Signal has failed to persuasively show the “burdens” of complying with the undersigned’s “Order to Conduct Rule 26(f) Conference” would be avoided if this case were eventually transferred to the Eastern District of Louisiana. In its Emergency Motion, Signal did not suggest the Eastern District of Louisiana

court, if it indeed were transferred there, would not also require Signal to comply with FED. R. CIV. P. 26 in this particular matter.

Therefore, for the foregoing reasons, Signal's Emergency Motion to Stay (Doc. No. 45) is **DENIED.**

SIGNED this 4th day of October, 2013.



Zack Hawthorn
United States Magistrate Judge